

reviews for the associates they supervise, copies of which are also maintained in the personnel files of the associates that receive the performance reviews. Assistant Store Managers also assist in hiring and firing store associates. Copies of documents relating to an associate's termination are maintained in the personnel files of the associate. Attached hereto as Exhibit 1 are true and accurate copies of documents from various associates' personnel files of LaForest's disciplining, reviewing, and/or terminating associates.

6. Assistant Store Managers are given performance reviews by their Store Manager. Copies of their performance reviews are maintained in the Assistant Store Manager's personnel file. Attached hereto as Exhibit 2 is a true and accurate copy of one of LaForest's performance reviews.

7. When Assistant Store Managers are warned or disciplined, Store Managers usually document the discipline and a copy of the warning or discipline is maintained in the Assistant Store Manager's personnel file. Desir and LaForest were disciplined on more than one occasion. True and accurate copies of discipline related documents from Desir and LaForest's personnel files are attached hereto as Exhibit 3.

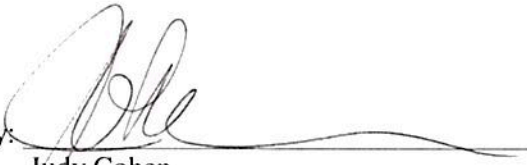
8. Prior to becoming an Assistant Store Manager, Desir was a Department Manager in one of my stores. Upon being hired, Desir received and signed a Department Level Manager Compensation acknowledgement ("DM Compensation Acknowledgement"). A true and accurate copy of Desir's signed DM Compensation Acknowledgement is attached hereto as Exhibit 4.

9. While a Department Manager, Desir was also given a Notice and Acknowledgement of Pay Rate form ("Annual Pay Acknowledgement") pursuant to the New York Wage Theft Prevention Act. Desir signed Annual Pay Acknowledgements. True and

accurate copies of Desir's signed Annual Pay Acknowledgement forms are attached hereto as Exhibit 5.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 12 day of May, 2017.

By: 
Judy Cohen
Regional Human Resources Director
Bed Bath and Beyond Inc.